

# Article No Cities Counties and Towns

- Sec. 1. The several Counties ~~of this~~  
~~State~~, as they now exist, are hereby  
recognized as legal subdivisions of  
this State.
- Sec. 2. County Seats shall not be  
removed by special law, but such  
removals shall be provided for by  
general law. No County Seat shall  
be removed unless two thirds of the  
Qualified Electors of the County,  
voting on the proposition, at a general  
Election, shall vote in favor of  
such removal. A proposition of  
removal shall not be submitted  
in the same County more than  
once in four years.



Sec. 3. No new County shall be established which shall reduce any County to a population of less than ~~ten~~ eight thousand ~~inhabitants~~; no shall a new County be formed containing a less population <sup>than five thousand</sup>; no shall any line thereof pass within five miles of the County seat of any County proposed to be divided; no shall a County be divided or have any portion taken therefrom, unless a majority of all the qualified electors of the County or Counties affected, voting at a general election, shall vote therefor. New Counties when created, or ~~a~~ portions of a County when added to another County, shall be liable for their just ~~and~~ proportion of all debts and liabilities then existing of the County or Counties, out of which they are respectively ~~taken~~ formed or taken.



Sec. 4 The Legislature shall establish a system of county governments which shall be uniform throughout the state; and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county, voting at a general election shall so determine; and whenever a county shall adopt township organization the apportionment and collection of the revenue shall be made and the business of such county and the local affairs of the several townships therein shall be managed and transacted in the manner presented by such general laws.



Sec. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several Counties, of Boards of supervisors, sheriffs, County Clerks, District Attorneys and such other County township & municipal officers, as public convenience may require and shall prescribe their duties and fix their compensation: ~~it~~ shall regulate the salaries & fees of all County officers, in proportion to duties, and for this purpose may classify the Counties by population, and it shall provide for the strict accountability of ~~all~~ County and township officers for all fees which may be collected by them and for all public and <sup>municipal</sup> moneys which may be paid to them or officially come into their possession. ~~no person shall be eligible to a county office unless he has been a resident and resident within the County for two years next preceding his election or appointment.~~





Sec. 6. Corporations for municipal purposes shall not be created by special laws; but the legislature, by general laws shall provide for the incorporation, organization and classification, in proportion to population, of cities and towns; and cities and towns heretofore organized ~~under and subject to such general laws~~ or incorporated may become organized under and subject to such general laws. Cities and towns may become incorporated under general laws whenever a majority of the electors voting at a general election shall so determine and ~~adopt~~ shall <sup>organize</sup> ~~adopt a charter~~ in conformity therewith.



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Sec. 7. City & County Governments may be merged and consolidated into one municipal government, with one set of officers, and may be incorporated under general laws providing for the incorporation & organization of corporations for municipal purposes. The provisions of this Constitution applicable to cities and also those applicable to counties, so far as not inconsistent or not prohibited to cities, shall be applicable to such consolidated government. In consolidated city and county governments, of more than one hundred thousand population, there shall be two Boards of Supervisors, or Houses of Legislation; one of which to consist of twelve persons, shall be elected by general ticket from the city & county at large, and shall hold office for the term of four years, but shall be so classified that after the first election only six shall be elected every two years; the other to consist of twelve persons, shall be elected every two years and shall hold office for two years. Any casual vacancy in the office of supervisor in either Board shall be filled by the mayor.



Sec. 8. No person shall be eligible to a county or city office unless he has been a citizen and resident within such county or city for two years next preceding his election or appointment to an office therein.



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SECTION 4. Any city having a population of more than one hundred thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a Board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of such city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such Board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive officer of such city, and the other to the Recorder of deeds of the county. Such proposed charter shall then be published in two daily papers of largest general circulation in such city for at least twenty days, and within not less than thirty days after such publication it shall be submitted to the qualified electors of such city at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall, at the end of sixty days thereafter, become the charter of such city, or if such city be consolidated with a county in government, then of such city and county, and shall become the organic law thereof, and supersede any existing charter and all amendments thereof, and all special laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors and its ratification by them, shall be made in duplicate and deposited, one in the office of the Secretary of State, the other, after being recorded in the office of the Recorder of deeds of the county, among the archives of the city, and thereafter all Courts shall take judicial notice thereof. The charter so ratified may be amended at intervals of not less than two years, by proposals therefor submitted by the legislative authority of the city to the qualified voters thereof, at a general or special election held at least sixty <sup>days</sup> after the publication of such proposals, and ratified by at least three-fifths of the qualified electors voting thereat. In submitting any such charter, or amendment thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.





*Sec. 10.* The compensation or fees of any county, city, town, or municipal officer shall not be increased after his election or during his term of office; nor shall the term of any such officer be extended beyond the period for which he ~~was~~<sup>is</sup> elected or appointed.

SEC. 11. No county, city, town, or other public or municipal corporation, nor the inhabitants thereof, nor the property therein, shall be released or discharged from their or its proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

*Sec. 12 Any County City town or township may make and enforce within their respective limits all such local police sanitary & other laws regulations as are not in conflict with general laws.*



Sec. 13. Taxes for county city town school and other local purposes must be levied on all subjects & objects of taxation.

In addition ~~to~~ that which may be levied for the payment of the principal & interest of existing indebtedness the annual rate on property shall not exceed the following: for County purposes in Counties having two million dollars or less, shall not exceed

Cents on the one hundred dollars valuation; in Counties having six million dollars, and under ten million dollars, such rate shall not exceed

Cents on the one hundred dollars <sup>valuation</sup>; and in Counties having ten million dollars or more such rate shall not exceed

Cents on the one hundred dollars valuation: for City and town purposes such annual rate on property in incorporated cities and towns shall not exceed

Cents on the one hundred dollars valuation; and in any City & County with consolidated government such rate shall not exceed



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*Cents on the one hundred  
dollars valuation*

Sec. 14. The Legislature shall have no power to impose taxes upon counties, cities, towns, or other public or municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

SEC. 15. The Legislature shall not delegate to any special commission, private corporation, company, association, or individual, any power to make, control, appropriate, supervise, or in any way interfere with, any county, city, town, or municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes or assessments, or perform any municipal functions whatever.

SEC. 16. No State office shall be continued or created in any county, city, town, or other municipality, for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity; but such county, city, town, or municipality may, when authorized by <sup>general</sup> law, and the public interest demands it, appoint such officers.

SEC. 17. Private property shall not be taken or sold for the payment of the corporate debt of any political or municipal corporation.

SEC. 18. All moneys, assessments, and taxes belonging to or collected for the use of any county, city, town, or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately on the receipt thereof be deposited with the Treasurer, or other legal depository, to the credit of such city, town, or other corporation respectively, for the benefit of the funds to which they respectively belong.

SEC. 19. The making of profit out of county, city, town, or public school money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.



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SEC. 20. No county, city, town, township, Board of Education, <sup>or</sup> school district, ~~or other political or municipal corporation~~, shall incur any indebtedness or liability ~~in any manner, or for any purpose~~, exceeding in any year the income and revenue provided for them respectively for such year, without the assent of two-thirds of the voters thereof voting at an election to be held for that purpose; <sup>and</sup> ~~no~~ in cases requiring such assent ~~shall any~~ <sup>no</sup> indebtedness <sup>shall</sup> be incurred (except by a county to erect a Court-house or Jail) to an amount, <sup>by</sup> ~~including~~ existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the assessment next before the last assessment for State and county purposes, previous to the incurring such indebtedness, <sup>and</sup> unless, before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within <sup>forty</sup> ~~twenty~~ years from the time of contracting the same.

SEC. 21. No county, city, town, or other public or municipal corporation, by a vote of its citizens or otherwise, shall become a subscriber to the capital stock, or a stockholder in any corporation, association, or company, or make any appropriation, or donation, or loan its credit to, or in aid of, any person, corporation, association, company, or institution.

SEC. 22. No law shall be passed by the Legislature granting the right to construct and operate a railroad within any city, town, village, or on any public street or highway thereof, without the consent of the municipal or other proper local authorities having the control of such street or highway proposed to be occupied by such railroad.





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SECTION 23. In any city where there are no public works owned and controlled by the municipality for supplying the same with artificial light and water, any company duly incorporated by the laws of this State shall, under the direction of the Superintendent of Streets of said city, have the privilege of disturbing and using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and of making connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gaslight or other illuminating light, or with fresh water for domestic and all other purposes, for which the same or either may be used, upon the conditions following: Such company shall make good all damages to such streets and thoroughfares, except necessarily occasioned by the reasonable use thereof, and be liable to such city and its inhabitants therefor. Such company introducing and supplying gaslight or other light, and fresh water, or either, shall furnish the same, so far as necessary and required, free and without charge, to all public buildings, institutions, and school houses belonging to such city, and used for municipal purposes; and such company introducing and supplying water shall also furnish the same, free and without charge, to the Fire Department, and for the extinguishment of fires. Each company, its property and franchise, shall be liable to such city and its inhabitants for the performance of these conditions.

SEC. 24. In counties or cities having more than one hundred thousand inhabitants no person shall, at the same time, be a State officer and a city or county officer, nor hold two city or county offices.

~~Amendment 521, page 13 of 16~~

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SEC. 25. <sup>no</sup> ~~Before any~~ public work or improvement of any description whatsoever shall be made or done, in any city, in, upon, or about the streets thereof, or otherwise, the cost and expense of which is made chargeable or may be assessed upon private property by special assessment, <sup>unless</sup> an estimate of <sup>cost</sup> such expense shall be made, and an assessment, in proportion to benefits, ~~shall~~ <sup>be made and levied</sup> <sup>affected on</sup> on the property to be benefited, and shall be collected and paid into the city treasury before such work or improvement shall be ~~made~~ <sup>commenced</sup>, or any contract for letting or doing the same ~~shall be~~ authorized or performed.

SEC. 26. The Legislature shall not pass any local or special law in the cases following:

Regulating the affairs of counties, cities, towns, townships, wards, city or county Boards of Education, school districts, or other political or municipal corporation or subdivision of the State;

Authorizing the laying out, opening, altering, maintaining or vacating roads, highways, streets, alleys, town plats, or parks;

Relating to cemeteries, graveyards, or public grounds not of the State;

Locating or changing county seats;

Incorporating cities, towns, or villages, or changing their charters;

Creating offices, or prescribing the powers and duties of officers in counties, cities, towns, townships, or school districts;

Regulating the fees or extending the powers and duties of county or municipal officers;

Regulating the management and maintenance of public schools, the building or repairing of school houses, and raising of money for such purposes;

Extending the time for the assessment or collection of county, city, or other municipal taxes, or otherwise relieving any Assessor or Collector of county or city taxes from the due performance of the official duties, or thier securities from liability;

Legalizing the unauthorized or invalid acts of any officer or agent of any county or municipality thereof;



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Directing the payment of money out of the treasury, or by any officer, of any county, city, or town, without the consent of such county, city, and town.

*Directing the payment of money from out of the treasury, or by any officer of, or creating any liability against a county city town or any public or municipal corporation without its consent.*

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Am to 521

Relative to City

County & Township  
Organization

Roll of 78

Read & ordered  
printed & placed on  
Gent. File

Thomson  
asst secy